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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 MARIA CASTRO, an individual,
11 Plaintiff,

Case No.: 2:18-cv-02127-MMD-VCF

12 v.

13 TARGET CORPORATION, DOES 1 through
14 100; and ROE CORPORATION 101 through
200, inclusive,

**STIPULATION AND ORDER FOR
LEAVE TO AMEND THE COMPLAINT**

15 Defendant(s).

16 The parties agree and hereby stipulate Plaintiff's Leave to Amend the Complaint on file
17 to make the following changes:

- 18 1. To add Come Land Maintenance Company as an additional defendant.

19 Counsel further stipulates to allow the attached Amended Complaint to be filed with the
20 Court.

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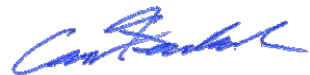
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The parties must file the Amended Complaint on or before
February 4, 2019.

1 IT IS SO ORDERED:


2 Dated this 28th day of January, 2019.


~~DISTRICT COURT JUDGE~~
United States Magistrate

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4
5 Bernstein & Poisson
6 Dated: 1-6-19

7 
8 RONALDO BUMBASI, ESQ.
9 Nevada Bar No. 14176
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Perry & Westbrook, P.C.
Dated: 1/16/19


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1 **ACOM**

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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 MARIA CASTRO,

15 Plaintiff,

16 vs.

17 TARGET CORPORATION., COME LAND
18 MAINTENANCE COMPANY, INC.; and
19 DOES 1 through 100; And ROE
20 CORPORATIONS 101 through 200

21 Defendant.

CASE NO.: 2:18-cv-02127-MMD-VCF

22 **AMENDED COMPLAINT**

23 Plaintiff, by and through her attorney of record, SCOTT POISSON, ESQ.
24 and RONALDO BUMBASI, ESQ., of the law offices of **BERNSTEIN & POISSON**,
25 hereby files this Complaint and alleges against the above-named Defendants, and each of
26 them, as follows:

27 **GENERAL ALLEGATIONS**

28 1. At all times material herein, Plaintiff was and is a resident of Clark
County, Nevada.

2. At all times material herein, Defendant, Target Corporation, and each of
them, owns and operates that certain business by virtue of the laws of the State of Nevada

1 and is property owner of TARGET STORE located at 605 North Stephanie Street in
2 Henderson, Nevada, County of Clark. The fall in question occurred in Clark County,
3 Nevada.

4 3. At all times material herein, Defendant, Come Land Maintenance
5 Company, Inc., and each of them, owns and operates that certain business by virtue of the
6 laws of the State of Nevada and is property owner of Come Land Maintenance Company
7 located at 1419 N. San Fernando Blvd., Burbank, California, County of Los Angeles. The
8 fall in question occurred in Clark County, Nevada.

9 4. At all times material herein, said Defendant, Target Corporation, and each
10 of them, owned, operated, controlled, and/or maintained, without limitation, a department
11 store with parking areas and common areas for the purpose of carrying on business for
12 profit in Clark County, Nevada

13 5. At all times material herein, said Defendant, Come Land Maintenance
14 Company, Inc., was responsible for the cleaning and the maintenance of the Target Store
15 located at 605 North Stephanie Street in Henderson, Nevada, County of Clark.

16 6. Upon information and belief, at all times material herein, Doe and Roe
17 Defendants 101 through 200 were legal entities/residents of Clark County, Nevada, and
18 authorized to do business by the State of Nevada. Furthermore, said Doe and Roe
19 Defendants were employees, agents, or servants of Defendants, and each of them, and
20 functioned and assisted in the operation, control and/or management of said premises.

21 7. The true names and capacities, whether individual, corporate, limited
22 liability company; partnership; or otherwise of Defendants DOES I through X and ROE
23 CORPORATIONS I through X, inclusive, are unknown to Plaintiff who therefore sues
24 said Defendants by such fictitious names. On information and belief, Plaintiff alleges that
25 the Defendants, and each of them, designated herein as a DOE INDIVIDUAL or ROE
26 CORPORATION were responsible in some manner for the injuries sustained by the
27 Plaintiff, on or about October 27, 2017, resulting from the below stated trip and fall
28 accident; and further that certain, without limitation, employees employed and/or

1 engaged by said Defendants; or other patrons of said business; knew of or should have
2 known of or caused an unattended vacuum cord to be left on the floor of the common
3 area resulting in Plaintiff's personal injury herein; and are therefore liable for all damages
4 due to Plaintiff as alleged herein. Plaintiff will ask leave of court to amend this
5 Complaint to insert the true names and capacities when the same is ascertained and to
6 join such Defendants in this action. THE DOE 1 is the unknown actual legal name for
7 TARGET STORE and the individual TARGET STORE.

8 9 CAUSES OF ACTION

10 I.

11 Negligence/Premises Liability

12 8. Plaintiff re-alleges each of the foregoing allegations contained in
13 paragraphs 1 through 7 as if fully set forth herein.

14 9. Upon information and belief, on or about October 27, 2017 Plaintiff was
15 lawfully on the Defendants' premises as a patron.

16 10. Upon information and belief, while lawfully on said premises and
17 location, Defendants had a duty to supervise and maintain said premises in a reasonably
18 safe and suitable condition for its patrons, guests, invitees and others; and further to take
19 any and all reasonable precautions to avoid the presence of dangerous and/or artificial
20 conditions on or around said premises.

21 11. Upon information and belief, Defendants employed janitorial and
22 maintenance personnel, management and other supervisory/security personnel for the
23 purpose of supervising employees, patrons, guests and invitees and maintaining said
24 property in a reasonably safe and suitable condition all under said Defendant's authority
25 and control.

26 12. Upon information and belief, at said time and place, Defendants', despite
27 having actual notice or constructive notice, that a dangerous condition existed on its
28 premises; caused by other patrons or said Defendants or its agent(s), over which said

1 Defendants had control and authority, failed to enact proper safeguards and warnings to
2 prevent serious bodily injury to Plaintiff, to wit: failing to warn and reasonably prevent
3 patrons of the store from tripping over the unattended vacuum cord on the floor, resulting
4 in Plaintiff tripping on said cord, all in breach of its duty of due care herein, including
5 said business's duty to maintain said common area free of unreasonably dangerous
6 conditions as property owner.

7 13. As a direct and proximate result of said negligence and/or reckless
8 conduct herein, as the case may be, Plaintiff has suffered personal injury, medical bills,
9 general damages and economic damages in an amount in excess of \$15,000 subject to
10 proof at trial.

11 14. While on said premises, Defendants had a duty to supervise and maintain
12 its premises in a reasonably safe and suitable condition for its patrons, guests and
13 invitees; and further to take any and all reasonable precautions to avoid the presence of
14 said dangerous and/or artificial conditions on or around said premises and its common
15 area(s). Upon information and belief, Defendants employed janitorial and maintenance
16 personnel, management and other supervisory personnel for the purpose of supervising
17 employees, patrons, guests and invitees and maintaining said property in a reasonably
18 safe and suitable condition.

19 15. Said Defendants failure to warn of a known dangerous condition, or
20 through exercise of reasonable diligence under the circumstances that which could have
21 been discovered, and further failure to hire and adequately train suitable and fit
22 employees to maintain said property in a safe and suitable manner has directly and
23 proximately resulted in Plaintiff's personal injury and damages in an amount in excess of
24 \$15,000 subject to proof at trial.

25 16. In addition to their direct liability, Defendants were and are vicariously
26 liable for the negligent acts and/or omissions of its staff, agents, apparent agents,
27 servants, or employees in the scope of employment herein; or such independent
28 contractors within said Defendants control which in any manner caused or contributed to

1 Plaintiff's injuries herein.

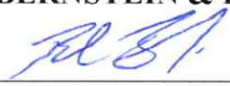
2 17. As a direct and proximate result of Defendants' negligence by and through
3 its agents, employees and/or contractors as set forth, Plaintiff has sustained special
4 damages, general damages, economic damages and future damages in excess of \$15,000
5 subject to proof to trial.

6 **WHEREFORE**, Plaintiff expressly reserving her right to amend this complaint at
7 the time of, or prior to trial, prays for judgment against the Defendants, and each of them,
8 as follows:

- 9 1. For General, Special Damages sustained by Plaintiff in a sum in
10 excess of \$15,000;
11 2. For Attorney's Fees and Costs of suit incurred herein;
12 3. For interest at the statutory rate;
13 4. For such other relief as this Court deems appropriate.

14
15 Dated this 6th day of January, 2019.

16
17 **Respectfully submitted:**
BERNSTEIN & POISSON

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